IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(Crl.).No. 30 of 2007(S)

PETITIONER:

K.N. SUSARMA @ KUTTAN,
S/O. NEELAKANDAN, KALLANANIYIL HOUSE,
KELAKOM AMSOM, VELLUNNI POST, KANNUR DISTRICT.

BY ADV. SRI.N.K.KARNIS

RESPONDENTS:
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1. SURESH N.N., S/O. LATE NANU,
NELLIKKUNNEL HOUSE, SASTRI NAGAR, THOLAMBRA POST,
KANNUR DISTRICT.

2. SUB INSPECTOR OF POLICE,
KELAKOM POLICE STATION, KANNUR DISTRICT.

3. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

R2 & R3 BY SHRI P.A. SALIM, GOVERNMENT PLEADER

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE FIRST RESPONDENT AND SASINDRAN

EXT.P2-TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE 2ND RESPONDENT DATED 5.2.2007

// TRUE COPY //

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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W.P.(Crl).NO.30 of 2007-S

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Dated this the 9th day of March, 2007

JUDGMENT

Koshy, J.

The alleged detenue is present. Certificate is produced to show that the alleged detenue has no mental illness. Therefore, the Habeas Corpus petition is allowed. It is stated by the police that the first respondent has contracted a second marriage. Police is free to take appropriate action in the above matter. Petitioner also can inform the matter to the employer of first respondent for appropriate action.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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J.B. Koshy & T.R. Ramachandran Nair, JJ.

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W.P.(CRL).NO.30 OF 2007

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Dated this the 15th day of February, 2007

O R D E R

Koshy, J.

The alleged detenue was produced by the police. It is submitted by the detenue that she was forcefully taken in the Central Institute of Psychiatry at Ranchi and according to her she has no disease and in order to marry another lady, this was done by her husband, the first respondent. It was submitted that the first respondent contracted a second marriage at Thriprayar Temple.

In view of the direction already granted, the police should go and enquire whether the first respondent has contracted a marriage at Thriprayar as alleged. We allow the detenue to go with the petitioner on condition that she should be produced again on 6.3.2007. Meanwhile, she should also be examined by a Psychiatrist at Kannur Medical College Hospital and she should bring a certificate from the Psychiatrist. Meanwhile, a report as

directed by our order dated 12.2.2007 should be filed by the Superintendent of Police, Kannur.

Post on 6.3.2007.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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